**Enclosure 1**
**Responses to Questions from Congressman Gene Green in a letter dated September 26, 2017**

**1. When was the EPA initially informed of the toxic spill at U.S. Oil Recovery? Who was informed initially, and when was notification provided to headquarters and regional staff?**

The USOR site consists of two properties at 400 North Richey Street and 200 North Richey Street (formerly used at one time as a municipal wastewater treatment facility and subsequently as a privately-owned waste oil recycling facility). The EPA On-Scene Coordinator (OSC) contacted the PRP Group on August 28, 2017 to get an update on the status of the Site. The PRP Group could not access the Site due to flooding, but provided a video of the floodwaters at the vicinity of the Site. Harris County Pollution Control Services (HCPCS) provided photos to the EPA OSC on the morning of August 29, 2017 that showed three containments at the 200 North Richey property potentially inundated with Vince Bayou flood waters. The photos were shared immediately with the PRP Group, EPA Remedial Project Manager (RPM), and the EPA Region 6 Management. The PRP Group notified the National Response Center (NRC) and reported the potential incident (NRC 1188741) in accordance with the August 2011 Site Stabilization Administrative Order on Consent (AOC) with the EPA, which requires any release of a hazardous substance, regardless of quantity, to be reported.

**2. EPA requires spills of oil or hazardous substances in quantities that may be harmful to public health or the environment to be immediately reported to the 24-hour hotline when public waterways are threatened. How much time expired between the initial notification of the toxic spill and when the EPA began its assessment of the site? Do you believe this delay compromised EPA's assessment of contamination from the site?**

The PRP Group called in the incident of the flooded containments to the NRC, though the estimated quantities of hazardous substance in the floodwater flowing from the Site were expected to be below the NRC threshold reporting quantities. The PRP Group called in this incident to the NRC as part of its normal reporting procedure, in accordance with its August 2011 Site Stabilization Administrative Order on Consent (AOC) with the EPA. The AOC requires the PRP Group to notify any release of a hazardous substance regardless of quantity.

Assessment of the potential impact began immediately after the initial notification, by the EPA OSC, EPA RPM, and the PRP Group. Due to the Site being flooded, assessment at this time was remote and included reviewing past analytical results and maps. As soon as the Site was accessible, the EPA conducted an on-site inspection with the PRP Group on September 4, 2017. The PRP Group collected water samples from the former wastewater treatment vessels as instructed by the EPA on September 5, 2017. The sample results had extremely low concentrations of organic chemicals and metals and were below the safe drinking water standards established by the EPA. Based on the on-site inspection and sampling results, there is no evidence of any toxic discharge or material released from the Site.

**3. What is the average response time for the EPA to begin assessing potential spills, and how long does it usually take to complete these assessments? If the response time for the U.S. Oil Recovery site was longer than average, explain why.**

Assessment of potential oil spills and releases of hazardous substances begins immediately after the EPA Phone Duty Officer (PDO) receives the report from the NRC. The PDO assesses the potential impacts and determines what type of a response from EPA is warranted. When warranted, on-site assessment is conducted as soon as possible, when response personnel can get to the site safely. Response times vary depending on proximity of response personnel to the Site, hazards associated with the Site, and travel.

At this Site, there was already an EPA OSC assigned, so the communication of the potential impact was direct to/from the EPA OSC to/from the PRP Group, at which point the assessment of the impact began.

**4. Why did the EPA's press released on September 5 exclude notification of the PRP Group's toxic spill report at U.S. Oil Recovery?**

Releases or discharges that have a potential to impact human health and the environment get included in press releases. The floodwater incident described above was reported to the NRC by the PRP Group as part of its normal reporting procedure, in accordance with its August 2011 Site Stabilization AOC. Based on the assessment done after the incident notification, no impact to human health and the environment was expected and the spill reports were not included in the press release.

**5. Why have the EPA's updates to Congress excluded notification of the PRP Group's toxic spill reports at U.S. Oil Recovery?**

The floodwater incident described above was reported to the NRC by the PRP Group as part of its normal reporting procedure, in accordance with its August 2011 Site Stabilization AOC. In addition to the incident above, on September 9, 2017, the PRPs reported that on September 6, 2017 there was a spill of an unknown quantity of stormwater from the 200 North Richey Street property. Also on September 9, 2017, the PRPs reported a 200-gallon discharge of stormwater from the 200 North Richey Street property. These spill notifications were made by the PRP Group as part of its normal reporting procedure, in accordance with its August 2011 Site Stabilization AOC. There was no sheen or odor observed in these overflows and no impact to human health and the environment was expected. Based on the assessment done after the incident notification, no impact to human health and the environment was expected and the spill reports were not included in the updates to Congress.

**6. What steps has the EPA taken to date to address the toxic spills at U.S. Oil Recovery? What future actions are planned?**

As part of the initial response actions since July 2010, the EPA took steps to contain off-site migration, mitigate the threat to the public and to Vince Bayou, and stabilize the Site. As part of those efforts, approximately 833,500 gallons of non-hazardous contaminated stormwater were transported off-site. Hazardous and non-hazardous sludges were removed and also disposed of off-site. Pursuant to the August 2011 AOC, the EPA has continued to protect the public health, welfare, and the environment by overseeing subsequent Site stabilization activities performed by the PRP Group. In addition to the removal action activities described in detail below, the PRP Group's stabilization activities have included: (1) Site security and video monitoring; (2) twice a week inspections of the Site; (3) pump down/removal of liquids as necessary to prevent releases from containment areas and other Site structures; and (4) repairs. The PRP Group has removed the storage tanks themselves and drums, totes, the bioreactor, roll-off containers, laboratory chemicals. As part of those efforts and the removal action activities, approximately 4,500,000 gallons of liquid and 1,000,000 gallons of solids have been removed and transported off-site.

Prior to the landfall of Hurricane Harvey on August 25, 2017, the PRP Group, under EPA oversight, completely removed the residual sludge from the storage tanks, containment areas, and process equipment from the 400 North Richey property and completed pressure washing of the different areas on the property. The PRP Group also removed standing water from the different structures and containments from the 200 North Richey property to maintain freeboard prior to the Hurricane landfall.

On August 29, 2017, the PRPs reported that a portion of the Site at 200 North Richey Street (formerly used at one time as a municipal wastewater treatment facility and subsequently as a privately-owned waste oil recycling facility) was flooded due to Hurricane Harvey and that an unknown amount of material was released. On September 4, 2017, EPA staff conducted an on-site inspection to assess conditions at the Site as a whole, and instructed the PRPs to collect samples from the Site. On September 9, 2017, the PRPs reported that on September 6, 2017 there was a spill of an unknown quantity of stormwater from the 200 North Richey Street property. Also on September 9, 2017, the PRPs reported a 200-gallon discharge of stormwater from the 200 North Richey Street property. On September 13, 2017 in response to inquiries about a possible oil spill, an EPA On Scene Coordinator (OSC) conducted an inspection of nearby Vince Bayou and did not find any evidence of a black oily discharge or material from the Site.

**400 North Richey Street**: At the request of the EPA, the PRPs collected soil and groundwater samples on September 8, 2017 in areas inundated by the Hurricane. The results for these samples are consistent with pre-Hurricane samples and are not indicative of impacts or releases from the hurricane. Findings from soil sampling are generally consistent with background levels in the area. The groundwater sample concentrations were below the safe drinking water standards established by the EPA. Access is restricted to the Site. Therefore, there are no

anticipated exposure routes impacting the public. The hurricane response was completed and Site activities transitioned back to normal operations on September 16, 2017.

A Remedial Investigation / Feasibility Study (RI/FS) is ongoing at the 400 North Richey Street property under the EPA oversight and will result in setting appropriate cleanup goals for that portion of this Site. The RI serves as the mechanism for collecting data to characterize site conditions, determine the nature of the waste, assess risk to human health and the environment, and if needed, conduct treatability testing to evaluate the potential performance and cost of the treatment technologies that are being considered. The FS is the mechanism for the development, screening, and detailed evaluation of alternative remedial actions.

**200 North Richey Street**: Beginning September 5, 2017, the PRP Group constantly monitored the different wastewater treatment vessels and pumped down, as needed, a few of the former wastewater treatment vessels to maintain freeboard. This resulted in off-site shipments of more than 300,000 gallons of stormwater from the site. At the request of the EPA, the PRPs sampled stormwater standing in former wastewater treatment vessels associated with that property's former operations, removed excess water, and secured materials in the former wastewater treatment vessels. Post-hurricane samples from former wastewater treatment vessels show extremely low concentrations of organic chemicals and metals. All levels were below the safe drinking water standards established by the EPA. The site activities transitioned back to normal operations on September 16, 2017.

**7. Has the EPA taken any enforcement actions towards the Potentially Responsible Party for the toxic spills at U.S. Oil Recovery? If not, at what point will the EPA take an enforcement action?**

The EPA has the following ongoing enforcement actions with the Potentially Responsible Parties it has identified:

1. A Site Stabilization Administrative Order on Consent (AOC), dated August 25, 2011, for the Site as a whole
2. A Unilateral Administrative Order for Non-Interference, dated September 14, 2011, for the Site as a whole
3. A Remedial Investigation and Feasibility Study AOC, dated May 14, 2015, for the 400 N. Richey St. property
4. A Time-Critical Removal Action AOC, dated July 14, 2016, for the 400 N. Richey St. property

The EPA evaluates compliance with the above enforcement orders on an on-going basis.

**8. Regarding the 517 containers of potentially hazardous material collected, I request a map of where the containers were required along with an inventory of their contents and the potential risks to surrounding communities.**

Enclosure 2 contains maps which identify the locations of containers recovered during the Hurricane Harvey response. Additionally, Enclosure 3 includes a list of the contents of the recovered containers. Under the Unified Command (EPA, US Coast Guard, Texas General Land Office, and Texas Commission on Environmental Quality), Operations Section worked quickly to identify and recover these containers (orphan containers) because of the potential risks posed to the surrounding communities and the environment. As the contents of the recovered containers as well as the condition of each container varied greatly, the potential risks to the communities and the environment also varied greatly. For this response, none of the recovered containers posed a significant risk and hence did not require specialized operations with high levels of personnel protective equipment for the workers handling the containers. Once the orphaned containers were identified and assessed, they were recovered and safely transported to a staging pad where the container's contents were further categorized, bulked and shipped for proper disposal. If the ownership of any container could be ascertained, the container was repatriated back to the owner.

**In addition, I am requesting that the EPA provide to my office, the House Committee on Energy and Commerce, and the Senate Committee on Environment and Public Works, a copy of all soil and water lab tests, as well as a copy of all correspondence relating to the toxic spills at U.S. Oil Recovery.**

All the soil and water lab test results from the sampling conducted at the Site after Hurricane Harvey are available at https://www.epa.gov/hurricane-harvey